

16, JAN 14 2005

BY: khm IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

SAS INSTITUTE, INC., )

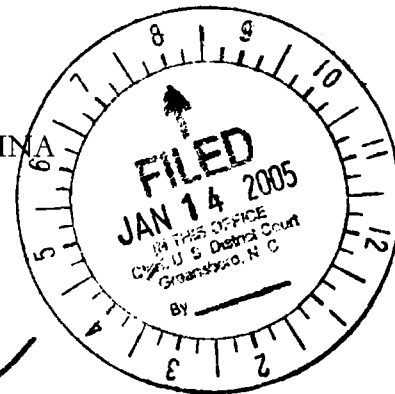
Plaintiff, )

v. )

PRACTICINGSMARTER, INC, )

Defendant. )

1:03CV01063 ✓



PRACTICINGSMARTER, INC., )

Plaintiff, )

v. )

SAS INSTITUTE, INC., JAMES H.  
GOODNIGHT, and THERESA TESH, )

Defendants. )

1:03CV01086

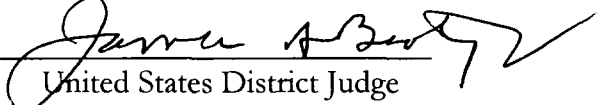
ORDER AND JUDGMENT

BEATY, District Judge.

For the reasons stated in the Memorandum Opinion filed contemporaneously herewith, IT IS HEREBY ORDERED that PracticingSmarter's Motion to Dismiss or Stay [Document #6] the Declaratory Judgment action filed by SAS in Case No. 1:03CV01063 is DENIED. Furthermore, SAS's Motion to Dismiss or Stay [Document #8] the Complaint filed by PracticingSmarter in Case No. 1:03CV01086 is GRANTED and PracticingSmarter is given leave to re-file its claims as counterclaims in Case No. 1:03CV01063. PracticingSmarter shall file its counterclaims within thirty (30) days of the entry of this Order and Judgment. Additionally, SAS's Motion for Leave to Amend

[Document #10] in Case No. 1:03CV01063 is GRANTED. SAS shall file its amended pleading within forty-five (45) days of the entry of this Order and Judgment.

This, the 14 day of January, 2005.

  
United States District Judge